

Attorney's Docket No.: 10527-437002 / 00-0301-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel M. Lafontaine

Art Unit : 3739

Serial No. : 10/786,322

Examiner : Peter J. Vrettakos

Filed : February 25, 2004

Title : CRYO-TEMPERATURE MONITORING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DANIEL LAFONTAINE UNDER 37 C.F.R. § 1.131

I, Daniel Lafontaine, hereby declare:

1. That I am the inventor of the claims in the above-captioned patent application.
2. That in an Office Action dated August 25, 2005, certain claims were rejected as being unpatentable over Jahns et al. (U.S. Patent 6,558,382).
3. That the patent application which matured into Jahns et al. was filed in the United States on April 26, 2001.
4. That prior to April 26, 2001, and thus necessarily before the filing date of Jahn et al., I had worked in this country to complete the conception of the invention recited in present pending claims 43, 46, 52, 55, and 57 of the above-captioned application, as evidenced by copies of pages from my laboratory notebook, which are attached as Exhibit A.
5. Shown on the first attached page of my notebook is a figure of a cryoballoon for "spot freeze" application having an intravenous ultrasonic sensor (IVUS) to monitor the location of a lesion and the freezing process. The second attached page shows, at point #1, the inflation of a balloon and the delivery of a cryogen. Point #2 adds the feature of spot freezing within a chamber, while point #3 further adds freezing guided by "IVUS, OCT, angioscopy, or

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

February 16, 2006

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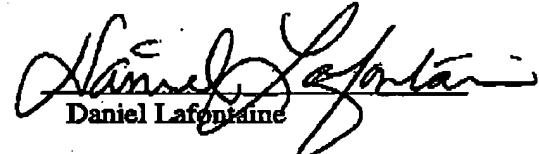
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impedance imaging." OCT is an acronym for optical coherence tomography, which involves use of an optical sensor. The features discussed in points #2 and #3 on the second attached page relate to the information on the first attached page. On the third attached page, points #5 and #9 in combination address methods relating to point #3 and by extension points #2 and #1

7. The dates on all of the notebook pages, all of which are prior to April 26, 2001, have been blocked out.

8. That I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Dated: 1/25/06


Daniel Lafontaine

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